

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

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|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| V. | § | CR. No. C-05-346 (2) |
| | § | |
| STEVE ALLEN LOPEZ, | § | |
| | § | |
| Defendant. | § | |

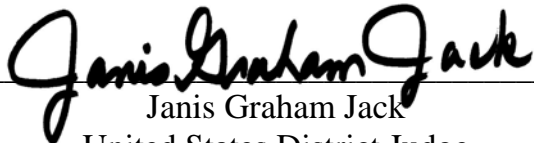
**ORDER GRANTING MOTION
TO PROCEED *IN FORMA PAUPERIS*
AND ORDER APPOINTING COUNSEL ON APPEAL**

As set forth in its September 30, 2008 Order, the Court has determined that Defendant Steve Allen Lopez is entitled to an out-of-time direct appeal in his criminal case. (See D.E. 566.) In the same Order, the Court instructed Lopez that if he wanted to have counsel appointed to represent him on appeal, he needed to file a motion for appointment of counsel and information concerning his finances. (D.E. 566 at 6-7.)

Lopez has now filed a timely Notice of Appeal from the reinstated judgment. (D.E. 571, appealing from 567.) He has also filed a motion to appoint counsel and an application to proceed *in forma pauperis*. (D.E. 572, 573.) Having reviewed these documents and the financial information contained therein, the Court concludes that Lopez is “financially unable to obtain counsel.” See 18 U.S.C. § 3006A(b). Thus, he is entitled to appointed counsel on appeal and is entitled to proceed on appeal *in forma pauperis*. Accordingly, his motion to proceed *ifp* and motion to appoint counsel (D.E. 572, 573) are both GRANTED.

The Court hereby appoints Richard Rogers, 1756 Sante Fe, Corpus Christi, Texas 78404 to represent Lopez in his direct criminal appeal. The Clerk is directed to provide copies of this Order directly to Lopez, as well as to Mr. Rogers

It is so ORDERED this 17th day of October, 2008.



Janis Graham Jack
United States District Judge